

REMARKS/ARGUMENTS

In response to the Office Action dated June 3, 2005, Applicants have canceled claims 1-11 without prejudice and added new claims 12-26, which when considered with the following remarks, is deemed to place the present application in condition for allowance. Favorable consideration of newly added claims 12-26 is respectfully requested.

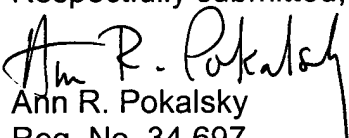
Claims 1-11 have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Cho et al., U.S. Patent No. 5,962,019. In response to the rejection, and in order to advance prosecution of this application, claims 1-11 have been canceled without prejudice and claims 12-26 are newly added. Applicants reserve the right to prosecute the subject matter of claims 1-11 in a continuation application.

Cho et al. has been cited for teaching a hard gelatin capsule comprising cyclosporine A, a polyoxyethylene-sorbitan-fatty acid ester (Tween 80), that has an HLB of 15, ethanol (in amounts of at least 1% or 3%, up to 10% and 12.5%), polyethylene glycol and thickening agents and other excipients including propylene glycol.

The cyclosporin A formulation of the presently claimed invention employs a surfactant which comprises a reaction product of natural or hydrogenated vegetable oil and ethylene glycol. Nowhere in Cho et al. is a cyclosporin A formulation comprising such a surfactant taught or suggested. The presently claimed invention is therefore distinguished from the teaching of Cho et al.

Moreover, the compositions of the present invention are substantially free of any additional oil. Nowhere in Cho et al. is there a teaching or suggestion that a cyclosporine A formulation should be substantially free of any additional oil. Cho et al. instead describe the further addition of fatty acids or fatty acid esters. See Cho et al., column 4, lines 29-65.

In view of the foregoing remarks and amendments, it is respectfully submitted that the present application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

Ann R. Pokalsky
Reg. No. 34,697
Attorney for Applicants

Novartis
Corporate Intellectual Property
One Health Plaza, Building 430
East Hanover, NJ 07936-1080
(862) 778-7859

Date: August 31, 2005